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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,825	08/20/2001	Anthony A. Shah-Nazaroff	P6488C	7188
59796 7590 09/15/2009 INTEL CORPORATION c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402				
EXAMINER				
RAMAN, USHA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/904,825

Applicant(s)

SHAH-NAZAROFF ET AL.

Examiner

USHA RAMAN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-48 and 65-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-48 and 65-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 17th, 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 31 and 45 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 17, 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-33, 37, 41-48, and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US Pat. 5,732,216).

With regards to claims 31, 45, and 65, Logan discloses a method executed by a server comprising:

Receiving a viewer characteristic information (user data and usage log) at a programming guide server (host server comprises program catalog information 137 and therefore reads on a "programming guide" server) from a viewer's entertainment system (player), the viewer characteristic information identifying a viewer and including viewer preferences and demographic information about the viewer (col. 5, lines 38-45, col. 9, lines 28-41); and

the programming guide server providing the viewer with access to the viewer characteristic information (col. 10, lines 42-53). A host further services a plurality of client systems, as well as various types of client computer systems, including mobile, portable, laptop, and desktop computers (col. 3, lines 24-25, col. 6, lines 57-58), wherein user may obtain access to programs available from the host using different players (col. 6, lines 39-48). A user establishes connection/session with the server using HTML interface 129 for requesting programs (col. 8, lines 51-54), wherein user gains access to request programs and modify personal data upon supplying a password (col. 10, lines 42-50). The user preference information is communicated back to the server by submitting an HTML form (col. 5, lines 38-45). Logan additionally discloses that a viewer is uniquely identified in records maintained by the host server (col. 21, lines 32-33 and lines 44-46). Logan

discloses that user may obtain access to program from the server at different entertainment system (e.g. portable player), however is silent on further obtaining access to personal data from different entertainment system. Examiner however takes Official Notice that web interfaces for providing a log in prompt in addition to password prompts were known in the art at the time of the invention. Accordingly it would have been obvious to one of ordinary skill in the art to further prompt the user for a user identification information along with a password in a web prompt, so that user can obtain access to program as well as personal data from a different entertainment system.

With further regards to claim 65, the server communicates with the client over a plurality of communication links (col. 6, lines 39-44) and therefore comprises a communication interface. The host server (101) is a computer (col. 3, line 20) and therefore comprises a processor for receiving user information and password in accordance with the modified system.

With regards to claim 32, Logan further discloses wherein the viewer characteristic information includes information gathered from the viewer (col. 5, lines 39-45).

With regard to claims 33, and 46, Logan further discloses wherein the viewer characteristic information includes viewing habits of the viewer (usage log, col. 5, lines 35-39).

With regards to claim 37, Logan further discloses wherein the viewer characteristic information includes ratings (i.e. weighting) provided by the viewer at the viewer's entertainment system of broadcast (col. 9, lines 48-53).

With regards to claim 41, Logan further discloses updating the viewer characteristics using viewing habit changes (col. 27, lines 22-25).

With regards to claims 42, and 47, the modified system further comprises obtaining a form of identification of the viewer before providing access to the viewer characteristic information at the different entertainment system (see Logan: col. 10, lines 42-50, col. 21, lines 32-33 and lines 44-46).

With regard to claim 43, Logan further discloses providing a list of programs (download compilation file) in conformance with user's preferences (col. 5, lines 55-62). A list of user's preferred programming therefore reads on favorite broadcasts.

With regards to claims 44, and 48, Logan further discloses a recommended playback order of the files (col. 5, line 67-col. 6, line 8). Accordingly such a list is ranked prior to providing it to the viewer.

With regards to claim 66, the host server further provides through the communications a program guide (catalog of available programming recommended, col. 8, lines 31-39) that includes ratings based on the viewer characteristic information to which access was provided at the first entertainment system (col. 9, lines 43-50).

With regards to claim 67, Logan further discloses a recommended playback order of the files (col. 5, line 67-col. 6, line 8). Accordingly such a list is ranked prior to providing it to the viewer.

With regards to claim 68, 69 and 70, Logan discloses that the user is presented with a form with a plurality of fields, wherein the viewer characteristic information is based in part on feedback provided (col. 5, lines 38-45, col. 9, lines 28-42). The form seeking viewer feedback on viewer preferences is provided to the viewer in response to a viewer request to establish a new account (col. 9, lines 6-17). Accordingly, the feedback is provided in response to a request from the viewer to provide feedback (i.e. establish an account).

6. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US Pat. 5,732,216) in view of Herz et al. (US Pat. 5,758,257).

With regards to claim 38, Logan discloses that viewer may adjust ratings for a program and that "importance" levels of programs are automatically updated upon viewing a program (col. 20, lines 1-14). Logan accordingly comprises implicit feedback and does not disclose that the ratings include feedback offered by the viewer to the broadcasts.

In an analogous art, Herz discloses allowing a user to adjust ratings upon viewing a program thereby obtaining feedback of a program that was viewed by the user. Col. 33, lines 59-64

It would have been obvious to one of ordinary skill in the art to modify the system by allowing the active feedback from the user by adjusting ratings (weights,

importance) for a program after a user has viewed the program, thereby receiving user feedback for the viewed program.

With regards to claim 39, the modified system further comprises the method obtaining active feedback from the user by soliciting (i.e. questionnaire) them for rating on different sections of a video program (col. 14, lines 15-31).

With regard to claim 40, Logan discloses that each section of a program is accompanied by a summary describing synopsis of that section. Accordingly it would be helpful in further presenting such a summary in the questionnaire in order to remind the user of contents of a program (e.g. headlines) viewed prior to obtaining feedback.

7. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US Pat. 5,732,216) in view of Williams et al. (WO 97/47135).

With regards to claim 34, Logan discloses maintaining user logs pertaining to preferences on topics of audio programs and is silent that the viewer characteristic information file includes channel preferences of the viewer.

In a similar field of endeavor, Williams discloses a method of remotely stored preferences that also tracks television preferences in addition to audio preferences, including channel preferences of the viewer (page 9, lines 11-17, line 32-page 10, lines 2).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system to further track television viewing

preferences in addition to audio preferences so that television programs matching user's channel preferences can be suggested to the user.

With regards to claim 35, Logan discloses maintaining user logs pertaining to preferences on topics of audio programs and is silent the viewer characteristic information file includes visited Internet web site types of the viewer.

In a similar field of endeavor, Williams discloses a method of remotely stored preferences that also tracks web pages accessed by the viewer preferences in addition to programs listened by the viewer (page 10, lines 3-5, page 22, lines 1-3).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system to further track web pages visited by the viewers in addition to users listening habits, so as to learn additional information about the viewer that can be useful in effectively targeting ads.

With regards to claim 36, Logan is silent that the viewer characteristic information includes information about the viewer's entertainment system from which the viewer characteristics information file was received.

In a similar field of endeavor, Williams discloses a method of remotely stored preferences that additionally monitors configurable options pertaining to user's entertainment system (page 10, lines 22-32).

It would have been obvious to one of ordinary skill in the art to modify the system in view of Williams by further logging configurable settings pertaining to a user's entertainment system so that user can access those settings at the different entertainment system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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